

Atty. Docket No. 41587/10304 (323)

**REMARKS**

***I. Amendment to the Specification and the Claims***

In the illustrations of the invention, the sliding elements are identified using Ref. No. 6, and due to a typographical error, the specification had recited "sliding elements 16" rather than sliding elements 6. Actually, Ref. No. 16 is used in the illustrations and the specification for the operating means. The proposed amendment to the specification corrects the typographical error.

Upon entry of the foregoing amendment, twenty (20) claims are pending in the application. Of the pending claims, three (3) claims are independent.

***II. Allowable Subject Matter***

The Examiner has concluded that Claim No. 20 is directed to allowable subject matter and that this claim would be allowable over the prior art made of record if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. For the reasons discussed below, Applicant submits that Claim Nos. 1-19 are also patentable over the prior art references.

***III. Claim Rejections under 35 U.S.C. § 102(b)***

The Examiner has rejected Claim Nos. 1-19 as being anticipated by French Patent No. 2,596,334 (the "Weber" patent) under 35 U.S.C. § 102(b). In support of this ground of rejection, the Examiner has concluded that Weber discloses all of the elements set forth in the claims. Applicant respectfully traverses these rejections because Weber it fails to disclose each and every element as recited in the claims. To establish anticipation of the present invention, Weber must

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disclose the invention as claimed: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. §2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As also set forth in M.P.E.P. §2131, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that Weber fails to teach each element of the present invention. As discussed in detail below, Weber fails to disclose the Bowden cable, transverse struts, guide rods or flexible support element ends that move toward each other. Additionally, Weber fails to disclose the relationships between these elements as particularly recited in the claims.

#### ***A. Bowden Cable Element***

As recited in Claim Nos. 1, 15 and 19, the bowden cable element expressly includes a cable and a sheath, and it is the relative movement between the cable and its sheath which provides the cooperative relationship between the Bowden cable and the flexible support element. In comparison, Weber discloses an unsheathed cable (8). Therefore, Weber's cable fails to anticipate the bowden cable as claimed in detail, i.e. including the cable and the sheath and their relative relationship with each other and with the flexible support element (3). Accordingly, Applicant submits that the rejections of Claim Nos. 1, 15 and 19 should be withdrawn.

Additionally, it should be appreciated that Weber fails to disclose or suggest connecting the unsheathed cable to the flexible support element through a spring (9). Instead, Weber teaches

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that the unsheathed cable should be connected to the seat frame (4) through the spring (Figures 1 & 2). In the Weber reference, the unsheathed cable directly engages the flexible supporting element through the sliding elements (7), not through the spring, and the unsheathed cable's only connection through the spring is to the seat frame. Therefore, while Weber discloses a spring element connected to a cable, Weber teaches away from connecting the cable to the flexible supporting element through the spring element. Accordingly, for the additional reason that Weber fails to disclose the claimed relationships between the unsheathed cable, the spring and the flexible support element, Applicant submits that the rejections of Claim Nos. 1 and 19 should be withdrawn.

With regard to the rejection of Claim No. 2, the Examiner concludes that Weber's connection between the cable and the flexible supporting element allows the pair of side ends to move toward one another. However, the side ends do not move toward one another. Instead, as tension on the cable (8) is increased, the cable pulls the slide elements (7) and their respective side ends forward without moving the side ends toward each other. Therefore, for this additional reason, Applicant submits that the subject matter of Claim No. 2 is allowable over the prior art, including the Weber reference.

With regard to the Claim No. 3 as amended, the relationship between the spring, cable and flexible support element is set forth with additional detail that further differentiates the present invention from the Weber reference. According to the claimed invention, the ends of the spring are attached between the cable and the flexible support element. As discussed above, Weber teaches connecting the unsheathed cable to the seat frame. According to the Weber

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reference, one end of the spring is attached to the unsheathed cable and the other end of the spring is connected to the frame through a cable segment. Therefore, Applicant submits that the subject matter of Claim No. 3 is also allowable over the Weber reference.

***B. Counteracting Means for Reducing Adjustment Force***

Claim No. 12 has been amended to more particularly recite the counteracting means and its relationship to the adjustment means. In particular, a counteracting spring is attached to the adjustment means and this counteracting spring reduces the adjustment force that is used to adjust the flexible support element. Weber does not have any such counteracting spring which reduces the adjustment force. In Weber, the spring situated between the flexible support element's slide elements (7) adds resiliency into the support but does not cooperate with the adjustment elements (11, 12) to reduce the adjustment force required to move the flexible support element. Therefore, Applicant submits that Claim No. 12 as amended is allowable over the Weber reference.

***C. Guide Rods & Transverse Struts***

The Examiner concludes that Weber's elastic suspension grid (3) is related to multiple elements in the claimed invention, including the flexible support element, the guide rods and the transverse struts. According to the present invention, each one of these individually claimed elements has a relationship to the other claimed elements. In the present invention, the flexible support element slides on or is slidably connected to the guide rods, and the transverse struts attach the guide rods to the seat. In Weber, the slide elements (7) permits the cable to slide around the elastic suspension grid and may even rotate relative to the elastic suspension grid, but

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the elastic suspension grid itself cannot slide on these slide elements because the vertical lattice members (6) are prevented from sliding by the grid's horizontal wires. With respect to the transverse strut element, the vertical lattice members and the horizontal wires comprise the entirety of the elastic suspension grid. However, in the claimed invention, the transverse strut element is a completely different element from the flexible support element. Therefore, the combination of a flexible support element and a transverse strut is not found in Weber's elastic suspension grid. Accordingly, since Weber does not describe or suggest guide wires or transverse struts, Applicant submits that the subject matter of Claim Nos. 4, 10, 11, 17, 18, and 19 are allowable over Weber.

#### ***IV. Conclusion***

Applicant respectfully submits that the independent claims are allowable over the prior art of record, including the cited Weber reference. For similar reasons, and for the additional reasons set forth above, Applicant urge that the dependent claims are also allowable.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

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If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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